

AMENDED IN ASSEMBLY JUNE 15, 2010

SENATE BILL

No. 1220

Introduced by Senator Wolk

February 18, 2010

An act to amend Section 35002 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1220, as amended, Wolk. Vehicles: emergency vehicles: fire apparatus.

(1) Existing law requires specified authorized emergency vehicles owned and operated by a governmental agency that are first purchased on or after January 1, 1994, to meet certain size, weight, and load requirements, including the requirement that the manufacturer weigh and certify fire apparatus to determine compliance with weight requirements. Existing law defines a “fire apparatus” as, among other things, a vehicle designed, maintained, and used exclusively for the suppression of fires or for fire prevention activities, including the training of firefighters.

This bill would instead define a “fire apparatus” as a vehicle designed to be used under emergency conditions to transport personnel and equipment, or to support the suppression of fires or mitigation of other hazardous situations, consistent with Standard 1901 of the National Fire Protection Association.

Existing law, beginning July 2, 2010, authorizes overweight firetrucks with tandem or tridem axles to receive transportation permits from various public entities to operate on public roads but requires the permit to limit tandem and tridem weights to no more than 15% over the weight allowed by law.

This bill would specify that supplemental towing and hauling equipment that is over the permissible weight requirement would not receive an overweight exemption.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35002 of the Vehicle Code is amended
2 to read:

3 35002. (a) (1) This division does not apply to an authorized
4 emergency vehicle owned or operated by a governmental agency
5 while being used in responding to and returning from emergency
6 fire calls, while being moved from place to place in anticipation
7 of emergency fire calls, when used during training in any fire
8 service application or during fire prevention activities, or when
9 vehicles ordinarily used for those purposes are necessarily
10 transported for vehicle maintenance, repair, or service. This
11 subdivision only applies to vehicles purchased prior to January 1,
12 1994. Vehicles purchased on January 1, 1992, to and including
13 December 31, 1993, shall meet the applicable requirements of
14 Standards 1901 to 1904, inclusive, of the National Fire Protection
15 Association, as those standards were in effect on December 31,
16 1991.

17 (2) All vehicles described in paragraph (1) first purchased on
18 or after January 1, 1994, shall comply with the applicable permit
19 requirements adopted by the Department of Transportation.

20 (3) For purposes of this section, “purchased” means the date
21 that the operating agency enters into a contract to purchase the
22 vehicle.

23 (b) All vehicles described in subdivision (a) purchased on or
24 after January 1, 1994, shall meet the following requirements:

25 (1) It shall be the responsibility of the manufacturer to provide
26 a gross axle weight rating (GAWR), gross combined weight rating
27 (GCWR), and gross vehicle weight rating (GVWR), adequate to
28 carry a full water tank with the allowance for personnel and
29 miscellaneous equipment, including hose load, shown in the table
30 below:

	Personnel	Misc. Equipment
1 Pumpers	1,200 lbs.	2,000 lbs.
2 Light attack		
3 apparatus	600 lbs.	900 lbs.
4 Water towers	1,200 lbs.	1,500 lbs.
5 Aerial platforms with		
6 ground ladders	1,200 lbs.	2,500 lbs.
7 Aerial ladders with		
8 ground ladders	1,200 lbs.	2,500 lbs.

12 Fire apparatus shall be weighed and certified by the manufacturer
13 to determine compliance with the table above prior to acceptance
14 by the purchaser. Apparatus and chassis manufacturers shall furnish
15 certification of the gross vehicle weight rating (GVWR), gross
16 combined weight rating (GCWR), and gross axle weight rating
17 (GAWR) on a nameplate affixed to the apparatus.

18 (2) A fire apparatus exceeding 31,000 pounds gross vehicle
19 weight rating (GVWR) shall be equipped with a retarder.

20 (3) For purposes of this section, a “fire apparatus” is a vehicle
21 designed to be used under emergency conditions to transport
22 personnel and equipment, or to support the suppression of fires or
23 mitigation of other hazardous situations, consistent with Standard
24 1901 of the National Fire Protection Association.

25 (4) *For purpose of fire apparatus overweight exemptions*
26 *pursuant to subdivision (g) of Section 1411.7 of Chapter 7 of*
27 *Division 2 of Title 21 of the California Code of Regulations,*
28 *effective on July 2, 2010, supplemental towing and hauling*
29 *equipment that is over the permissible weight requirement shall*
30 *not receive a 15-percent-overweight exemption.*

31 (c) A vehicle owned, operated, or rented by a public agency
32 that is being used in responding to or returning from an emergency,
33 may be operated as required, if a reasonable effort is first made
34 by the agency to obtain verbal permission from an authorized
35 officer or employee of the agency having jurisdiction of the
36 highways used, and, upon termination of the emergency, when the
37 vehicle is returning from the site of the emergency, the public
38 agency either obtains a permit at the location of the emergency or
39 makes a reasonable effort to obtain verbal permission from an
40 authorized officer or employee of the agency having jurisdiction

1 of the highways used, and obtains a written permit for that use
2 pursuant to Section 35780 not later than three days after the date
3 of the emergency. As used in this subdivision, “emergency” means
4 a condition that poses an imminent threat of loss of property or a
5 hazard to life, as determined by the public agency charged with
6 responsibility to respond thereto.

7 (d) A governmental agency operating an authorized emergency
8 vehicle or other vehicle subject to this section is liable to the
9 governmental agency having jurisdiction of a state or county
10 highway for the damage to the highway or a highway structure
11 caused by the operation of the vehicle of a size or weight of vehicle
12 or load exceeding that specified in this division. The cost of repair
13 of the damage is a proper charge against the support fund of the
14 governmental agency operating the oversize or overweight vehicle.

15 (e) Neither the state nor an agency thereof is liable for damage
16 to a highway or highway structure caused by vehicles operated,
17 pursuant to this section, by or on behalf of a local authority or any
18 other local governmental entity.

19 SEC. 2. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to revise Vehicle Code provisions regulating the
24 operation of authorized emergency vehicles as soon as possible,
25 these changes need to go into effect immediately.